

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

LENDINGTREE, LLC,

Plaintiff,

v.

ZILLOW, INC.;
NEXTAG, INC.; and
ADCHEMY, INC.,

Defendants.

Case No.: 3:10-cv-439-FDW-DCK

LENDINGTREE'S RENEWED
REQUEST FOR EXTENSION OF
TIME TO COMPLY WITH THE
COURT'S AUGUST 8, 2013 ORDER
[DKT. 336] AND REQUEST FOR
STATUS CONFERENCE

Pursuant to Fed R. Civ. P. 6(b)(1)(A) and LCvR 7.1, LendingTree renews its previous request for an extension of time to comply with the Court's August 8, 2013 Discovery Order. LendingTree also requests a status conference with the Court to address this renewed request. In support of these requests, LendingTree states the following:

1. The Discovery Order compels LendingTree to search backup tapes and produce documents to Defendant NexTag by today, August 23, 2013. (Dkt. 336.)
2. After learning from consultation with outside technology vendors that, despite diligent efforts, it would be impossible to comply with the Discovery Order, LendingTree previously filed a Motion for Stay or Extension of Deadline to Comply With the Discovery Order. (Dkts. 337; 344.) LendingTree also appealed the Discovery Order. (Dkt. 339; 343.)
3. Earlier today, the Court stayed the deadline for compliance with the Discovery Order pending resolution of the Appeal. (Dkt. 340.) However, later in the day, the Court denied the Appeal and lifted the stay. (Dkt. 342.)

4. It remains impossible for LendingTree to comply with the Court's August 23 deadline given the magnitude and format of information that must be processed. LendingTree has made every reasonable effort to obtain the information ordered to be produced as quickly as possible. The fastest vendor known to LendingTree is already processing the backup tapes, but estimated that it will take "up to 44 days from August 22" (*i.e.*, October 5) to complete the backup tape recovery process. (Dkts. 337; 344 at 4.) LendingTree will keep the process as short as possible. It is diligently seeking alternative options to allow faster data recovery and processing.

5. LendingTree takes its discovery obligations seriously and has every intention of complying with them, without exception; therefore, LendingTree requests a Status Conference to discuss the process and expected timeframe for complying with the Discovery Order. LendingTree also requests the opportunity to address at the Status Conference any concerns of the Court that LendingTree has in the past, or would in the future, "manipulate discovery obligations." (Dkt. 342.)

Respectfully submitted,

August 23, 2013

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CERTIFICATE OF SERVICE

I hereby certify that on August 23, 2013, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification to the following parties in this case:

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